

MCINTYRE THANASIDES

October 12, 2020

VIA ECF

Hon. Brian M. Cogan
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Full Circle United, LLC v. Bay Tek Entertainment, Inc.*, No. 20-cv-3395-BMC

Dear Judge Cogan:

The undersigned files this letter motion on behalf of Plaintiff/Counterclaim Defendant Full Circle United, LLC (“Full Circle”) to respectfully request, on an expedited basis, an extension of time to file Full Circle’s opposition to Defendant/Counterclaim Plaintiff Bay Tek Entertainment, Inc.’s (“Bay Tek”) motion for judgment on the pleadings pursuant to Rule 12(c), Fed. R. Civ. P. The deadline for Full Circle to file its opposition is currently set for October 14, 2020.

Full Circle’s three-count Complaint against Bay Tek concerns a dispute involving six years of dealings between the parties, along with Bay Tek’s predecessor. Bay Tek’s motion seeks judgment as a matter of law on two of Full Circle’s claims, as well as its claims for lost profits and attorneys’ fees, placing millions of dollars and Full Circle’s life’s work at stake. The motion raises at least ten separate issues to brief, and includes assertions of fact outside the pleadings, that have not yet been addressed by Full Circle in a reply to Bay Tek’s counterclaim or motion for dismissal, and will be disputed by affidavit, even though Bay Tek did not title its motion to seek summary judgment.

The preparation of Full Circle’s opposition is a significant undertaking. The undersigned, drafting counsel, has been unable to complete this substantial task in fourteen (14) days, with an intervening holiday, due to personal reasons outside his control. The undersigned needs, and respectfully requests, that the Court grant Full Circle an additional week to adequately prepare Full Circle’s opposition to the motion, and extend the deadline to file Full Circle’s opposition to October 21, 2020.

Yesterday, counsel for Full Circle asked counsel for Bay Tek whether it agreed to Full Circle’s filing of a letter motion seeking a one-week extension of time to file its opposition as unopposed. Today, counsel for Full Circle called counsel for Bay Tek. Counsel for both parties discussed, via email, Full Circle’s request for an extension of time throughout the day and into the evening.

In their last exchange, Bay Tek expressed it was unwilling to provide its consent to Full Circle’s request for an extension of time unless Full Circle agreed to a new deadline (November 2, 2020) to file an amended complaint that is a week earlier than the current court-imposed deadline (November 9, 2020). If Full Circle agreed to the new deadline, Bay Tek then wanted to review an advance draft of Full Circle’s letter motion requesting an extension. If Full Circle provided Bay

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Tek an advance draft, it still remained unclear whether and when Bay Tek would ultimately provide Full Circle its consent.

Since there is just one business day before Full Circle's deadline, Full Circle thanked Bay Tek for considering its request for a courtesy, and informed Bay Tek it would go ahead and file its letter motion requesting an extension of time as "opposed".

This is Full Circle's first request for an extension. If granted, it would affect Bay Tek's deadline to file a reply to Full Circle's opposition. The deadline is currently set for October 21, 2020. If Full Circle's request is granted, it consents to a commensurate extension of Bay Tek's deadline to file its reply, until October 28, 2020.

Sincerely,

/s/ Paul Thanasides

Paul Thanasides